

Donald Patrick Sullivan (State Bar No. 191080)  
JACKSON LEWIS P.C.  
50 California Street, 9th Floor  
San Francisco, CA 94111-4615  
Telephone: (415) 394-9400  
Facsimile: (415) 394-9401  
Donald.Sullivan@jacksonlewis.com§

Howard Shapiro (admitted *pro hac vice*)  
Stacey C.S. Cerrone (admitted *pro hac vice*)  
Lindsey H. Chopin (admitted *pro hac vice*)  
JACKSON LEWIS P.C.  
650 Poydras Street, Suite 1900  
New Orleans, LA 70130  
Telephone: (504) 208-1755  
Facsimile: (504) 208-1759  
Howard.Shapiro@jacksonlewis.com  
Stacey.Cerrone@jacksonlewis.com  
Lindsey.Chopin@jacksonlewis.com

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
(FRESNO DIVISION)**

*In re Sutter Health ERISA Litigation*

Case No. 1:20-cv-01007-JLT-BAM

**JOINT STIPULATED REQUEST TO  
MODIFY THE SCHEDULING ORDER  
TO EXTEND ALL DEADLINES BY 60  
DAYS**

Amended Consolidated Complaint filed:  
November 11, 2020

**Phase 1 Discovery Cutoff:** January 16, 2024

**Class Certification Mtn.:** February 20, 2024

**Phase 2 Discovery Cutoff:** May 21, 2024

**Class Certification Opp.:** June 18, 2024

**Class Certification Reply:** July 16, 2024

**Class Certification Hearing:** August 30, 2024  
9:00 AM  
Courtroom 8 (BAM)

**TO THE COURT AND TO ALL PARTIES AND COUNSEL OF RECORD:**

Plaintiffs Christina Bonicarlo, Nicole Garcia, Ronald Hudson, Adam Blackburn, Robert L. Hackett, Tabitha Hoglund, and Stephanie Chadwick (“Plaintiffs”) and Defendants Sutter Health and Sutter Health 403(b) Savings Plan Committee (“Defendants,” and collectively as the “Parties”) acting through their respective counsel of record, hereby respectfully submit this Joint Stipulated Request to Modify the Scheduling Order to Extend All Deadlines By 60 Days. The Parties in support thereof state as follows:

1. WHEREAS the Court issued a Scheduling Order on June 6, 2023 (Dkt. 100) which established the following case deadlines:

- |  |                   |
|--|-------------------|
| a. Phase 1 Discovery Cutoff:                   | November 17, 2023 |
| b. Class Certification Motion Filing Deadline: | December 22, 2023 |
| c. Phase 2 Discovery Cutoff:                   | March 22, 2024    |
| d. Class Certification Opposition:             | April 19, 2024    |
| e. Class Certification Reply:                  | May 17, 2024      |
| f. Class Certification Motion Hearing:         | June 28, 2024     |
|  | Time: 9:00 AM     |
|  | Dept: 8 (BAM)     |

2. WHEREAS, on June 21, 2023, Plaintiffs served their First Set of Interrogatories and First Set of Requests for Production of Documents to Defendants;

3. WHEREAS, on August 21, 2023, the Parties filed their Joint Stipulation for Protective Order (Dkt. 104), filed August 21, 2023, as preliminary review and discussion indicated that disclosure and discovery related to this matter required production of confidential, proprietary, or private information, necessitating extensive review of documents and redactions;

4. WHEREAS, on August 21, 2023, Defendants provided 2,219 pages of redacted documents in response to Plaintiff’s First Set of Requests for production of Documents;

5. WHEREAS, on August 25, 2023, Defendants provided an additional 2,006 pages of redacted documents in response to Plaintiff’s First Set of Requests for Production of Documents;

6. WHEREAS, on October 6, 2023, Plaintiffs served their Notice of Fed. R. Civ. P. 30(b)(6) deposition of Sutter Health;

7. WHEREAS, the Parties met and conferred on October 17, 2023, and agreed to request the Court for a 60-day extension of the current Scheduling Order, as “good cause” exists here, under Rule 16(B)(4), to grant the requested extensions for the following reasons: (1) the Parties have diligently and cooperatively worked together in this complex ERISA putative class action case to modify the scope of discovery, determine confidential materials necessitating a protective order, and resolve discovery disputes as necessary; (2) the Parties have shown diligence in propounding and responding to Phase 1 Discovery as demonstrated above; (3) the requested modifications will ensure that the Parties have a meaningful opportunity to tailor discovery appropriately to correspond to the bifurcated discovery schedule of class certification/merits as set by the Court, before raising discovery disputes with the Court if necessary; and (4) the Parties have shown diligence in requesting the modification herein given that the need for a modified schedule only arose on October 17, 2023 (when the Parties conferred and agreed on additional potentially responsive discovery production by Defendants requiring review of over 24,000 pages of documents, and potential areas of disagreements arose on appropriate topics of Plaintiffs’ October 6, 2023 notice of Fed. R. Civ. P. 30(b)(6) deposition of Sutter Health), and this Stipulation was promptly filed within two business days. *See Jackson v. Laureate, Inc.*, 186 R.F.D. 605, 608 (E.D. Cal. 1999); *see also* Declaration of Howard Shapiro, attached as Exhibit A.

8. WHEREAS, there have been no prior requests for extensions by any party.

THEREFORE, the Parties jointly request respectfully that this Court grant the Parties’ stipulated request to modify the current Scheduling Order to extend all deadlines by a 60-day extension, as follows:

- |  |                   |
|--|-------------------|
| a. Phase 1 Discovery Cutoff:                   | January 16, 2023  |
| b. Class Certification Motion Filing Deadline: | February 20, 2023 |
| c. Phase 2 Discovery Cutoff:                   | May 21, 2024      |

- d. Class Certification Opposition: June 18, 2024  
e. Class Certification Reply: July 16, 2024  
f. Class Certification Motion Hearing: August 27, 2024

Dated: October 19, 2023

Respectfully submitted,

By: /s/ Donald Patrick Sullivan

Donald Patrick Sullivan  
JACKSON LEWIS P.C.  
50 California Street, 9th Floor  
San Francisco, CA 94111-4615  
Telephone: (415) 394-9400  
Facsimile: (415) 394-9401  
Donald.Sullivan@jacksonlewis.com

Howard Shapiro (admitted *pro hac vice*)  
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Howard.Shapiro@jacksonlewis.com  
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Lindsey.Chopin@jacksonlewis.com

Attorneys for Defendants  
SUTTER HEALTH, THE RETIREMENT  
BENEFITS INVESTMENT COMMITTEE

**IT IS SO STIPULATED.**

Dated: October 18, 2023

MILLER SHAH LLP

By: /s/ Alec Berin  
ALEC BERIN

*Attorneys for Plaintiffs, the Plan,  
and the Proposed Class*

Date: October 18, 2023

JACKSON LEWIS P.C.

By: /s/ Howard Shapiro  
HOWARD SHAPIRO

*Attorneys for Defendants*

**ORDER**

Pursuant to the parties' stipulation and good cause appearing, the deadlines in the Court's Scheduling Order (Doc. 100) are modified as follows:

- a. Phase 1 Discovery Cutoff: January 16, 2024
- b. Class Certification Motion Filing Deadline: February 20, 2024
- c. Phase 2 Discovery Cutoff: May 21, 2024
- d. Class Certification Opposition: June 18, 2024
- e. Class Certification Reply: July 16, 2024
- f. Class Certification Motion Hearing: August 30, 2024  
Time: 9:00 AM  
Dept: 8 (BAM)

IT IS SO ORDERED.

Dated: October 23, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE